

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA, *ex rel.*
ROBIN WHITE,

Plaintiff,

V.

ORTHOPAEDIC AND NEURO
IMAGING LLC, and RICHARD
PFARR.

Defendants.

Civil Action No. 13-1109-RGA

**UNITED STATES' AND RELATOR'S JOINT MOTION FOR
DEFAULT JUDGMENT AND TO SET RELATOR'S SHARE**

By and through their undersigned counsel, the United States of America and Relator Robin White (“Relator”) jointly move for entry of default judgment against Defendants Orthopaedic and Neuro Imaging (“ONI”) and Richard Pfarr (“Pfarr”) pursuant to Federal Rule of Civil Procedure 55(b)(2). Specifically, the United States and Relator seek treble damages on Count One (False Claims Act, 31 U.S.C. § 3729(a)(1)(A), formerly § 3729(a)(1)) against ONI in the amount of \$3,985,591.38 and civil penalties in the amount of \$12,237,500, for a total judgment of \$16,223,091.38; Pfarr is jointly and severally liable for \$6,125,947.13 of that total.¹ The United States and Relator also respectfully request that the Court set Relator’s share as 18 percent of any proceeds the United States is able to collect on this judgment, pursuant to 31 U.S.C. § 3730(d)(1).

¹ Should the Court grant this request for default judgment on Count One, the government notices and requests dismissal of Counts Two (False Claims Act, 31 U.S.C. § 3729(a)(1)(B)), Three (Unjust Enrichment), and Four (Payment by Mistake).

Attached is an affidavit under 50 U.S.C. § 3931(b), which requires a plaintiff seeking default judgement to file an affidavit stating that the defendant is not in military service.

The reasons supporting this motion are set forth in the United States' brief filed herewith.
A proposed order is attached.

Respectfully submitted,

DAVID C. WEISS
Acting United States Attorney

By: /s/ Jennifer L. Hall
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DATED: January 12, 2018

CERTIFICATE OF SERVICE

I, Kimberly Rechner, an employee in the Office of the United States Attorney for the District of Delaware, hereby attest under penalty of perjury that on January 12, 2018, a true copy of UNITED STATES' AND RELATOR'S JOINT MOTION FOR DEFAULT JUDGMENT AND TO SET RELATOR'S SHARE was electronically filed and was also mailed to the following:

Richard Pfarr
424 Kings Highway
Lewes, DE 19958

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